UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,435	09/27/1999	VIKTORS BERSTIS	AT9-99-367	1602

7590   06/02/2005

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EXAMINER
SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/406,435	BERSTIS, VIKTORS
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 September 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4, 6-15, 17-26 and 28-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4, 6-15, 17-26, and 28-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20050527

DETAILED ACTION

1.   This action is responsive to communication: Amendment filed 2/23/05.

2.   Claims 1-4, 6-15, 17-26, and 28-33 are pending. Claims 1, 12, and 23 are

independent claims. Claims 5, 16, and 27 were cancelled.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4.   Claims 1-3, 6, 9-14, 17, 20-25, and 31-33 are rejected under 35 U.S.C. 102(e) as

being anticipated by Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02,

continuation filed 10/27/95).

       In reference to claims 1, 6, 12, 17, 23, and 28, Ball teaches a system for

identifying changes in online data repositories where a current version is presented to a

user. Ball's system teaches copying an original document selected by a user from the

WWW to create a copied document on a server separate from the WWW. All archiving

is done on a separate server and changes in the original document are detected while

monitoring for changes. See page 13. The system periodically compares the archive

with current versions of the documents located in the repository and updates the

archive. See abstract. In response to a request from a client to access a document, a

current version of the document, as archived, is presented. Ball teaches that the

identifying parameter may comprise a date/time and version number of the file. See

Figure 3A in which a version history including timestamps (including date/time) are

included. Thus Ball teaches at least one of the parameters used to identify the

downloaded file.

Ball does not state the term "source identifier"; however, a source identifier can

be a URL. Ball teaches that a "page" refers to a unit of data which is identified by a

specific name such as a URL on the WWW. Thus Ball teaches that a "source identifier"

is a part of a downloaded file in that it is identified by a specific name. Ball checks the

source using a source identifier since he discloses that when the document is being

downloaded, updated, and presenting from the archive, the system is using some

identifier to retrieve information for the specific document that has been requested by

the user, in this case, the document is recognized by a URL as it is located over the

WWW. See page 4, paragraphs [0087]. Compare to "evaluating at said client a

downloaded file from a source within a network to determine if a source identifier is

present in said downloaded file; checking said source periodically utilizing said source

identifier to determine if a newer version of said downloaded file exists; replacing at said

client, in response to the presence of a newer version of said downloaded file, said

downloaded file with said newer version".

In reference to claims 2, 13, and 24, Ball does not teach "adding" a source

identifier to a downloaded file. Since the source identifier can be a URL and is retrieved

over a network, the page would have an identification if retrieved over a network;

however, if for some reason the file does not have a URL, Ball maintains a list of all the

pages that are saved and could attach a source identifier to that page based on information from the list of pages.

In reference to claims 3, 14, and 25, Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See abstract. Ball further teaches that when a user wishes to view PAGE A, the invention ordinarily retrieves and presents the current version. The invention also provides an option for reconstructing the PAGE, as of a date specified by the user, and presents it in the format. See page 3, paragraph [0059]. Ball teaches prompting the user to select whether to replace the downloaded file with a new version as the capability of displaying or reconstructing a page as specified by a user's selection of a version or date is present in Ball's system. See page 3 and abstract.

In reference to claims 9, 20, and 31, Ball's system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. Ball also teaches that in response to a request from a client to access a document, a current version of the document as archived is presented.

In reference to claims 10, 21, and 32, Ball teaches that a URL and new versions of the downloaded file are stored in an archive which is checked periodically using the page name and versions. See page 4 and 13.

In reference to claims 11, 22, and 33, Ball's system can take place over a network, such as the WWW, which could comprise a packet network.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed

10/27/95).

In reference to claims 4, 15, and 26, since most operating systems support

extended attributes that are associated with a file (as stated by applicant on page 11 of

specifications), it would have been obvious to one of ordinary skill in the art at the time

of the invention to have a URL located in the extended attribute of the downloaded file.

7.   Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95)

in view of Kullick et al., US Patent 5,764,992, 6/9/98.

In reference to claims 8, 19, and 30, Ball teaches storing a copy of a previously

downloaded file in the archived list and storing the current version as the current

version. See page 3 and figure 3. Kullick specifically teaches renaming a previous

copy to an archived name and storing a new version with a working name. Kullick

teaches renaming a current version once it is replaced with a new version. The new

version is then given the modified name. See columns 4-5. It would have been obvious

to one of ordinary skill in the art at the time of the invention to combine Ball and Kullick

since both are concerned with version management of a document or file being
downloaded from a source and renaming the previous version with an archived name
prevents interruptions at the current location as well as aiding the system in archiving
capabilities. See abstract of Kullick in which he teaches non-interruption of current
activities.

8.   Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95)
in view of Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

In reference to claims 7, 18, and 29, Ball teaches periodically checking the
source for updates; however, he does not teach defining a default automatic time
interval and enabling a user to adjust the interval. Smith teaches receiving updated
data from a heartbeat signal at predetermined interval including a system identifier. See
columns 3-4. It would have been obvious to one of ordinary skill in the art at the time of
the invention to combine Smith's predetermined time interval in the system of Ball since
Ball's system periodically checks the source for updated data and Smith's system
allows that the time to be defined for the "periodic" checks.

Response to Arguments

9.   Applicant's arguments filed 02/23/05 have been fully considered but they are not
persuasive.

Applicant argues that Ball does not teach a downloaded file stored at the client
with a source identifier or a signature string utilized to find said source identifier within
said file and a locator string identifying a network location from which the file is sourced.

Examiner disagrees. A source identifier can be a URL which is retrieved over a

network. A file downloaded from a network location must have a source identifier which

Ball refers to as a URL. See page 4. Thus the use of a URL involves locating a file on

a network location that is identified using a locator string and a signature Ball discloses

parameters including date/time information and version number! of a file.

Applicant argues Ball does not teach a client-level process that includes

identifying a file downloaded to a client from a source on a connected network and

identifying the source with a specialized string that is stored with the file. Examiner

disagrees as Ball teaches that a user can interact with the repository as usual or with ·

the external service. See page 3, paragraph [0066]-[0071]. Ball teaches that the

multiple copies with the originals in the repository are not copied to an external service if

it is already archived which indicates client-level processing. See paragraph [0069].

Applicant argues that there is no teaching to add a source identifier to an existing

file when one is not present. Examiner disagrees. A source identifier can be a URL

which is retrieved over a network. A file downloaded from a network location must have

a source identifier which Ball refers to as a URL. See page 4.

Applicant argues that Ball does not teach replacing a downloaded file at the client

with a new version when a new version exists at the source. Examiner disagrees as

Ball teaches a system for identifying changes in online data repositories where a current

version is presented to a user. Ball teaches copying an original document from the

WWW to create a copied document on a server separate from the WWW. The system

periodically compares the archive with current versions of the documents located in the

repository and updates the archive. Ball checks the source using the URL (source

identifier) to determine if there is a current version of the document. See figure 3A and!

page 4.

Applicant argues that Ball does not teach overriding the current time interval.

Examiner disagrees since Ball teaches that in response to a request from a client to

access a document, a current version is presented and overrides the periodic

comparison that occurs within the archive.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rachna Singh whose telephone number is 571-272-

4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on 571-272-4090.

RS
05/27/05

JOSEPH FEILD
SUPERVISORY PATENT L.